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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,787	02/11/2004	Matthew R. Williams	MCK-100US	3245

23122 7590 02/09/2006

RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER	
SUN, XIUQIN	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H·A

Office Action Summary	Application No.	Applicant(s)	
	10/776,787	WILLIAMS, MATTHEW R.	
	Examiner	Art Unit	
	Xiuqin Sun	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarola et al. (U.S. Pat. No. 5715178) in view of Nixon et al. (U.S. Pub. No. 20020130846).

With respect to claim 1:

Scarola et al. teach a system for monitoring a process parameter, said system comprising: a computer configured to receive primary (e.g., sensor input from A, B, C D) and secondary (e.g., average of all the good sensors) data corresponding to a process parameter (col. 11-12, lines 56-12; col. 14, lines 36-65; col. 33, lines 14-31 and lines 36-50; col. 15, lines 39-46); at least one sensor configured to measure the process parameter, said at least one sensor being coupled for communication of the primary data corresponding to the process parameter to said computer as a primary measurement of the process parameter (col. 14, lines 36-46 and lines 58-65; col. 33, lines 14-31 and lines 36-50); and an interface configured for communicating the

secondary data corresponding to the process parameter from said at least one sensor, said interface being configured to provide the secondary data to said computer as a secondary measurement of the process parameter (col. 14, lines 45-57; col. 15, lines 46-65).

Scarola et al. do not mention expressly: a portable computer coupled to said interface is used to provide said secondary data to said computer.

Nixon et al. disclose a portable computer in a process control environment (section 0022), comprising: at least one sensor configured to measure a process parameter, said at least one sensor being coupled to a portable computer (section 0031, lines 8-14; section 0040, lines 12-26; section 0066); an interface, configured for communicating data corresponding to the process parameter from said at least one sensor, to provide measurements of the process parameter to a remote location via said portable computer (section 0022; section 0027, lines 12-15; section 0031, lines 8-14; section 0036, lines 11-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nixon et al. in the invention of Scarola et al. in order to provide a distinct and object-oriented mechanism to validate the measurement of a process parameter with respect to a specific process loop device or a sensor (e.g., a portable or external sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0060, lines 8-12; sections 0066-0067; section 0070, lines 9-20).

With respect to claims 2-9:

The teaching of Scarola et al. further includes: a primary sensor (e.g., one of the sensors A, B, C D) coupled for communication of the primary data corresponding to the process parameter to said computer (col. 14, lines 36-46 and lines 58-65; col. 33, lines 14-31 and lines 36-50); a secondary sensor (e.g., any of A, B, C, D that is different from the primary one) configured to provide the secondary data (col. 14, lines 45-57; col. 15, lines 46-65); said computer is configured to provide an alarm when the primary and/or the secondary data communicated from said at least one sensor to said computer indicates that the process parameter is outside of a predetermined range (cols. 11-12, lines 56-12).

Scarola et al. do not mention expressly: regarding claim 2, said secondary sensor configured to provide data to said portable computer; regarding claim 3, said secondary sensor is a portable sensor, and said interface is a portable interface, said secondary sensor being configured for portable use with said interface and said portable computer; regarding claim 4, said system of claim 1 additionally comprising the portable computer; regarding claim 5, said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer; regarding claim 7, said interface is configured to communicate with said at least one sensor through at least one of a hard wired, infra-red and wireless connection; regarding claim 8, said interface is a portable interface configured for portable use with the portable computer; regarding claim 9, said interface is configured to communicate identification data corresponding to

said at least one sensor to the portable computer along with the secondary data corresponding to the process parameter.

The teaching of Nixon et al. includes: an additional sensor configured to provide data to said portable computer (section 0031, lines 8-14; section 0040, lines 12-26; section 0066); said sensor (38) is a portable sensor, and said interface is a portable interface, said sensor being configured for portable use with said interface and said portable computer (section 0031, lines 8-14; section 0040, lines 12-26; section 0066); said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer (sections 0003; section 0022; section 0027, lines 12-15; section 0031, lines 8-14; section 0036, lines 11-16; section 0057); said interface is configured to communicate with said at least one sensor through at least one of a hard wired, infra-red and wireless connection (section 0052); said interface is a portable interface configured for portable use with the portable computer (section 0022); and said interface is configured to communicate identification data corresponding to said at least one sensor to the portable computer along with data corresponding to the process parameter (section 0031).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nixon et al. in the invention of Scarola et al. in order to provide a distinct and object-oriented mechanism to validate the measurement of a process parameter with respect to a specific process loop device or a sensor (e.g., a portable or external sensor), as motivated by Scarola et al. (col. 15,

lines 39-46) and Nixon et al. (section 0060, lines 8-12; sections 0066-0067; section 0070, lines 9-20).

With respect to claim 12:

Scarola et al. teach a system for monitoring a process parameter, said system comprising: a computer configured to receive primary and secondary data corresponding to a process parameter (col. 11-12, lines 56-12; col. 14, lines 36-65; col. 33, lines 14-31 and lines 36-50; col. 15, lines 39-46); a primary sensor (e.g., one of the sensors A, B, C D) configured to measure the process parameter as a primary measurement of the process parameter, said primary sensor being coupled for communication of the primary data corresponding to the process parameter to said computer (col. 14, lines 36-46 and lines 58-65; col. 33, lines 14-31 and lines 36-50); a secondary sensor (e.g., any of A, B, C, D that is different from the primary one) configured to measure the process parameter as a secondary measurement of the process parameter (col. 14, lines 45-57; col. 15, lines 46-65); an interface configured to receive secondary data corresponding to the process parameter from said secondary sensor (col. 14, lines 45-57; col. 15, lines 46-65); and said computer configured to retrieve the secondary data corresponding to the process parameter from said interface, said secondary being used to verify the measurement of said primary sensor (col. 14, lines 45-57; col. 15, lines 46-65).

Scarola et al. do not mention expressly: a portable computer is configured to retrieve secondary data corresponding to the process parameter from an interface that is configured to receive said secondary data from said secondary sensor, said portable

computer being configured to transmit the secondary data to the host computer to verify the measurement of said primary sensor.

Nixon et al. disclose a portable a portable computer in a process control environment (section 0022), comprising: at least one portable sensor configured to measure a process parameter, said sensor being coupled to a portable computer; an interface, configured for communicating data corresponding to the process parameter from said sensor, to provide measurements of the process parameter to a remote location via said portable computer (section 0022; section 0027, lines 12-15; section 0031, lines 8-14; section 0036, lines 11-16; section 0040, lines 12-26; section 0066).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nixon et al. in the invention of Scarola et al. in order to provide a distinct and object-oriented mechanism to validate the measurement of a process parameter with respect to a specific process loop device or a sensor (e.g., a portable or external sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0060, lines 8-12; sections 0066-0067; section 0070, lines 9-20).

With respect to claims 13-17:

Scarola et al. teach the system that includes the subject matter discussed above. The teaching of Scarola et al. further includes: said computer is configured to provide an alarm when the primary and/or secondary data communicated from said at least one sensor to said computer indicates that the process parameter is outside of a predetermined range (cols. 11-12, lines 56-12).

Scarola et al. do not mention expressly: regarding claim 13, said secondary sensor is a portable sensor, and said interface is a portable interface, said secondary sensor being configured for portable use with said interface and said portable computer; regarding claim 14, said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer; regarding claim 16, said interface is a portable interface configured for portable use with the portable computer; regarding claim 17, said interface is configured to communicate identification data corresponding to said at least one sensor to the portable computer along with the secondary data corresponding to the process parameter.

The teaching of Nixon et al. includes: an sensor configured to provide data to said portable computer (section 0031, lines 8-14; section 0040, lines 12-26; section 0066); said sensor is a portable sensor, and said interface is a portable interface, said sensor being configured for portable use with said interface and said portable computer (section 0031, lines 8-14; section 0040, lines 12-26; section 0066); said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer (sections 0003; section 0022; section 0027, lines 12-15; section 0031, lines 8-14; section 0036, lines 11-16; section 0057); said interface is a portable interface configured for portable use with the portable computer (section 0022); and said interface is configured to communicate identification data corresponding to said at least

one sensor to the portable computer along with data corresponding to the process parameter (section 0031).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nixon et al. in the invention of Scarola et al. in order to provide a distinct and object-oriented mechanism to validate the measurement of a process parameter with respect to a specific process loop device or a sensor (e.g., a portable or external sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0060, lines 8-12; sections 0066-0067; section 0070, lines 9-20).

With respect to claim 19:

Scarola et al. teach a method of verifying a measurement of a process parameter, said method comprising the steps of: measuring a process parameter with at least one sensor (e.g., sensor input from A, B, C D); transmitting primary data corresponding to the measured process parameter to a computer via a coupling between the at least one sensor and the computer (col. 14, lines 36-46 and lines 58-65; col. 33, lines 14-31 and lines 36-50); retrieving secondary data corresponding to the measured process parameter from the at least one sensor using an interface (col. 14, lines 45-57; col. 15, lines 46-65); and transmitting the secondary data to the computer (col. 14, lines 45-57; col. 15, lines 46-65).

Scarola et al. do not mention expressly: transmitting the secondary data to the computer via a portable computer.

Nixon et al. disclose a portable computer in a process control environment (section 0022), comprising: at least one sensor configured to measure a process parameter, said at least one sensor being coupled to a portable computer (section 0031, lines 8-14; section 0040, lines 12-26; section 0066); an interface, configured for communicating data corresponding to the process parameter from said at least one sensor, to provide measurements of the process parameter to a remote location via said portable computer (section 0022; section 0027, lines 12-15; section 0031, lines 8-14; section 0036, lines 11-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nixon et al. in the invention of Scarola et al. in order to provide a distinct and object-oriented mechanism to transmit the data to the host computer via the portable computer for validating the measurement of a process parameter with respect to a specific process loop device or a sensor (e.g., a portable or external sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0060, lines 8-12; sections 0066-0067; section 0070, lines 9-20).

With respect to claims 20-24:

The teaching of Scarola et al. further includes: a first sensor being coupled to said computer, said retrieving step including retrieving the secondary data from the second sensor (col. 11-12, lines 56-12; col. 14, lines 36-65; col. 33, lines 14-31 and lines 36-50; col. 15, lines 39-46); the process parameter is measured to be outside of a predetermined range during said measuring step (cols. 11-12, lines 56-12); providing an alarm indicating that the process parameter is outside of the predetermined range (cols.

11-12, lines 56-12); the secondary data transmitted to the computer with the primary data corresponding to the measured process parameter to verify if the process a parameter is outside of the predetermined range (cols. 11-12, lines 56-12); said step of transmitting the primary data includes transmitting identification data corresponding to the at least one sensor to the computer along with the primary data corresponding to the a measured process parameter (col. 15, lines 47-57).

With respect to claims 10, 11, 18, 25 and 26:

It is obvious that the subject matters recited in claims 10, 11, 18, 25 and 26 are merely intended uses of the invention taught by the combination of Scarola and Nixon, as discussed above. It has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case, it is obvious that the invention taught by the combination of Scarola and Nixon is generic, in terms of functionality and structure, to any system of process parameter monitoring. In view of the teachings disclosed by Scarola and Nixon, one having ordinary skill in the art at the time the invention was made would be able to apply the same configuration as the combination of Scarola and Nixon to develop a system for monitoring a temperature of a

blood storage environment. The mere application of a known invention does not provide any patentable weight.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Prior Art Citations

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Dawley (U. S. Pat. No. 4441329) is entitled "Temperature control system".

2) Elsbree et al. (U. S. Pub. No. 20030107588) is entitled "Graphical human-machine interface on a portable device".

3) Hsiung et al. (U. S. Pub. No. 20030109951) is entitled "Monitoring system for an industrial process using one or more multidimensional variables".

4) Winston et al. (U.S. Pub. No. 20050005713) is entitled "Portable flow measurement apparatus having an array of sensors".

Response to Arguments

5. Applicant's arguments received 11/25/05 with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-26 are rejected as new grounds have been found from the Scarola et al. (U.S. Pat. No. 5715178) and the Nixon et al. (U.S. Pub. No. 20020130846) references to teach the claimed invention. New ground for the teaching of the motivation for one skilled in the art to combine these references is also identified in the cited references. Detailed response is given in section 2 as set forth above in this Office Action.

In response to Applicant's argument that "Scarola teaches away from such a system configuration....", the Examiner has made more detailed and clear citations to the teachings of the claimed feature in the Scarola reference. The Examiner considers that Scarola's disclosure reads on the claims. The rejections stand.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiuqin Sun
Examiner
Art Unit 2863

XS
January 24, 2006

MICHAEL NGHIEM
PRIMARY EXAMINER